

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION – DETROIT**

IN THE MATTER OF:
Mary Ann Ferro, Debtor(s).

CHAPTER 13
CASE NO. 19-44566-TJT
/ JUDGE THOMAS J. TUCKER

**TRUSTEE'S OBJECTIONS TO
CONFIRMATION OF CHAPTER 13 PLAN**

NOW COMES, the Chapter 13 Trustee, Tammy L. Terry, and objects to confirmation of the Chapter 13 Plan in the above matter pursuant to E.D. Mich. L.B.R. 3015-3(a) and 11 U.S.C. §1307(c)(5) as follows:

1. The Trustee objects to the debtor's plan language in Section III. B. 1 of the Plan, which requests that the Trustee hold from distribution the sum of \$4,000.00. Debtor's counsel has not provided any authority under the E.D. Mich. L.B.R. 2016-1 to hold this amount. The Trustee requests that we only reserve \$3,500.00 for attorney fees.

2. The Trustee objects to the debtor's(s') failure to comply with E.D. Mich. LBR 1007-1(f) regarding sending the Trustee copies of all payment advices or other evidences of payment received within sixty (60) days of the date of filing the Petition pursuant to 11 U.S.C. §521(a)(1)(B). The Trustee requests that the debtor(s) provide copies of these payment advices and file a Certificate of Compliance pursuant to E.D. Mich. L.B.R. 1007-1(f).

3. The Trustee reserves the right to object to any of the debtor's budgetary expenses if the plan is ever amended to propose less than 100% to class nine general unsecured creditors.

4. As of today, the Trustee has not received a true copy of the debtor's **Payment Order**, or an Electronic Transfer of Funds Payment Order, in contravention of E.D. Mich. L.B.R. 1007-1(c).

5. The debtor provides in the income schedule (Schedule I) that she is employed as a registered nurse, but the debtor failed to disclose the employer name and address. However, the debtor also provides in Schedule I for nursing income in the amount of \$2,600.00. The Trustee requests that the debtor amend Schedule I to properly disclose the source of the nursing income. The debtor testified at the §341 First Meeting of Creditors that she is not working as a registered nurse and last worked in December 2018, which will may impact feasibility. Feasibility is required pursuant to 11 U.S.C. 1325(a)(6).

6. The debtor provides in the income schedule (Schedule I) that she receives social security benefits in the amount of \$1,789.00 per month. However, the documentation that the debtor provided indicates that she receives \$1,741.00 per month, which will may impact feasibility. Feasibility is required pursuant to 11 U.S.C. 1325(a)(6).

7. The debtor's Plan fails to provide that all of the debtor's projected disposable income be utilized to fund the Plan. Specifically, the debtor's Schedule J has overstated the following expense(s) in contravention of 11 U.S.C. 1325(a)(3) and/or 11 U.S.C. 1325(b):

- a. Pet expenses - \$150.00. The Trustee requests that the debtor provide proof of this expense within fourteen days.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court deny confirmation of the debtor's (s') Chapter 13 Plan and dismiss this case pursuant to 11 U.S.C. §1307(c)(5).

OFFICE OF THE CHAPTER 13 TRUSTEE-DETROIT
Tammy L. Terry, Chapter 13 Trustee

May 14 , 2019

/s/ Tammy L. Terry 1145

TAMMY L. TERRY (P-46254)

Chapter 13 Standing Trustee

/s/ KIMBERLY SHORTER - SIEBERT (P-49608)

/s/ MARILYN R. SOMERS-KANTZER (P-52488)

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CERTIFICATE OF MAILING

I hereby certify that on May 16, 2019, a copy of **TRUSTEE'S OBJECTIONS TO CONFIRMATION OF CHAPTER 13 PLAN** was electronically filed with the Clerk of Court, served electronically to the debtor's(s') attorney and a copy of same deposited in the U. S. Mail to the debtor (s) at the address as it appears below.

/s/ Patrice N. Watson

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